

Statement of Mr. Tom Malinowski
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Operations
Committee on International Relations
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Mr. Chairman, thank you for holding this hearing and for inviting me to testify.

Since the passage of the International Religious Freedom Act in 1998, a great deal has been achieved. Religious freedom has increasingly been recognized as a fundamental human right. Its promotion around the world has become a greater priority for the U.S. government. The annual report issued by the State Department has given us perhaps the most comprehensive picture we've ever had of the state of respect for religious freedom around the world. It has shined light into some very dark places. When this right is denied, we can still choose not to act. But we can no longer pretend not to know.

Knowledge of human rights abuses can help deter them; even the most repressive governments, on some level, are ashamed of what they do. But seven years after the law's passage, we also need to ask what we're doing with this knowledge. Is the U.S. government doing what we can reasonably expect it to do to aid the victims of religious persecution around the world? Is it living up to its own promise to make this issue a consequential one in its relationships with countries around the world?

In answering that question, I would divide the countries of concern addressed by the religious freedom report into two categories.

One group consists of countries that violate religious freedom, but that are also U.S. allies or at least feel they have an interest in maintaining reasonably friendly relations with the United States. Such countries -- Saudi Arabia for example -- are probably more likely than others to want to avoid being criticized in the religious freedom report and to be named Countries of Particular Concern (CPCs). They are more likely to respond to diplomatic efforts by the United States seeking improvement in their records. Yet even for this group of countries, the novelty of simply being named and shamed likely wears off over time. Seven years into this process, effective diplomacy with this group needs to be backed by a willingness to take actions that affect their relationship with the United States. Otherwise, they will not continue to take the process seriously.

A second group consists of countries that already had adversarial relationships with the United States before they were named violators of religious freedom. Most countries that have been named CPCs belong to this category. And that means that the State Department has tended to use the CPC designation against those countries least likely to be affected by it. For the governments of many of these countries are already subject to political and economic pressure from the United States over other issues. The question in these cases is not what additional pressure results from the CPC designation. It is whether the United States is pursuing an effective and comprehensive strategy to change the overall behavior of the government concerned.

To illustrate these points, I'd like to discuss two countries in the first category I mentioned -- Saudi Arabia and Vietnam -- and two in the second -- Burma and Uzbekistan.

Saudi Arabia

This year's State Department report accurately describes the situation in Saudi Arabia. It says: "Freedom of religion does not exist." Only the officially sanctioned version of Islam is permitted. The public practice of other religions is forbidden.

Though the Saudi government claims that people in the country are free to practice non-sanctioned religions privately in their homes, it often does not respect this right in practice. The Saudi religious police have continued to arrest and deport Christians for conducting private religious services. Saudi religious police continue to raid private homes where they suspect such services are taking place. They also continue to brutally enforce the country's overall policy of religious persecution, harassing, detaining, and beating people who they believe are straying from the officially sanctioned path.

Ironically, in terms of numbers, most victims of religious persecution in Saudi Arabia are Muslims. The Shi'a and Isma'ili Muslim communities suffer officially sanctioned political and economic discrimination. Even in Saudi Arabia's Eastern Province, where Shi'a Muslims constitute a majority of the population, virtually no Shi'as are allowed to serve in positions of authority in government, judicial or educational institutions.

Just yesterday, we received reports about two schoolteachers in Saudi Arabia, both Muslims, who have fallen victim to the country's strict laws on religion. One, a chemistry teacher named Muhammad Al-Harbi was accused of 'mocking Islam' simply for discussing Jews and the Bible with children in his classroom. He was sentenced to three years in prison and 750 lashes -- 50 lashes per week for 15 weeks. The other, a Riyadh teacher named al-Sahimi, was sentenced to 3 years and 300 lashes for "sanctioning adultery and sodomy", "sanctioning singing and smoking," and "suggesting one should love not fear god." Interestingly, Sahimi's arrest was ordered by the Saudi Vice Minister for Defense and Aviation. He did not see a lawyer or even attend his own trial.

Also troubling, though more rare, are cases where defendants are sentenced, sometimes to death, for 'witchcraft' and 'sorcery' -- a weapon the authorities have wielded against non-conforming Muslims and sometimes simply to put an unwanted foreigner in jail.

Last year, the State Department for the first time designated Saudi Arabia as a Country of Particular Concern. The administration deserves credit for taking this long overdue step. It was a small but welcome sign of its growing willingness to raise human rights issues with allies in the Arab world. Yet by any reasonable measure, the administration has not followed through on this designation with effective action.

The U.S. Commission for International Religious Freedom has recommended that the administration impose a limited set of punitive measures on Saudi Arabia as a result of its CPC designation, including a visa ban for officials responsible for egregious violations of religious freedom, and banning the export of dual use items to the Saudi government agencies involved. According to the Commission, in 2004, the Commerce Department approved \$67 million of articles for export to Saudi Arabia, including such items as thumb cuffs, leg irons, and shackles.

After the CPC designation, however, the administration asked for time for diplomacy to work before taking action. The deadline of 180 days after designation passed, and still no action was taken. In September, President Bush formally waived sanctions, in hopes that progress would soon be forthcoming. But today, there appears little movement in Saudi Arabia to address international concerns, even in the form of modest steps, such as a public announcement that private worship will be protected, or improvements in bringing non-Muslim books into the country, or allowing visits by non-Muslim clergy. Meanwhile, on Sunday, Secretary Rice announced a new strategic dialogue with Saudi Arabia - a

deepening of the relationship - without any hint of progress on religious freedom or human rights. The Saudis will undoubtedly draw the obvious lesson from this concerning America's priorities.

I recognize that diplomacy should be tried first in these situations, and that it can sometimes achieve important results. But Saudi Arabia has resisted diplomatic overtures on this issue for a very long time. The United States is going to find it harder and harder to convince the Saudi government that it is serious about promoting religious freedom if it is unwilling to take any action that affects the bilateral relationship.

Vietnam

The Vietnamese government continues to persecute followers of officially unrecognized religions, including ethnic minority Christians, Mennonites, members of the Unified Buddhist Church of Vietnam, and Hoa Hao Buddhists. Security officials disperse their religious gatherings, confiscate religious literature, and summon religious leaders to police stations for interrogation.

In 2004, the United States designated Vietnam as a Country of Particular Concern. International pressure convinced Vietnam to pass a new ordinance on religion in 2004, and to release a number of religious prisoners in 2005. In February, 2005 the Prime Minister of Vietnam issued a decree banning forced recantations of faith and loosening restrictions for Christian organizations to register with the government.

Nevertheless, the government continues to require religious organizations to register with the government in order to be legal, and prohibits religious activities that it claims cause public disorder, harm national security or sow divisions. Local authorities have used the new regulations as grounds to arrest minority Christians suspected of belonging to churches that operate independently of the government. In addition, officials continue to force Christians to abandon their religion, despite the new directives banning such practices, and no offenders have been brought to justice.

Ethnic Hmong Christians in the northwest, ethnic Roglai in Ninh Thuan province, Montagnard Christians in the Central Highlands, and Hre Christians in Quang Nai have continued to be beaten, detained, and pressured by local authorities to renounce their religion and cease religious gatherings. In February and March 2005, religious repression and a heightened military presence in Lai Chau province caused a number of Hmong Christian families to flee to neighboring China, Burma

and Laos. In March 2005, officials in Dien Bien province launched an official four-month campaign to eradicate Protestantism amongst the Hmong. This is described in a document written by the government's Task Force 184 in Dien Bien province, dated February 25, 2005, and entitled: "Mobilize People to Fight against Taking Advantage of Religion and Belief, and Against Illegal Propagation of Religion, and to Eradicate Gathering Places which Infringe on Public Security in Cha Cang Commune, Muong Nhe District."

In the Central Highlands, the government has continued to persecute ethnic minorities (collectively known as Montagnards), particularly those thought to be following "Dega Christianity" -- a form of evangelical Christianity banned by the Vietnamese government. Since 2001 more than 200 Montagnard Christians have been imprisoned, many on charges that they are separatists using their religion to "undermine national unity."

Buddhists have also been victims of the government's religious policies. One monk from the banned Unified Buddhist Church of Vietnam (UBCV), Thich Thien Mien, was released from prison in 2005. However the government continues to persecute UBCV members and withhold any recognition of this group, once the largest organization of the majority religion in the country. The UBCV's Supreme Patriarch, Thich Huyen Quang and its second-ranking leader, Thich Quang Do have been confined without charges to their monasteries for years, under police surveillance. The Foreign Ministry restricts visitors to the monks, including diplomats and journalists, on grounds they are under investigation for possession of "state secrets."

I welcome the State Department's decision to maintain Vietnam's status as a Country of Particular Concern. The United States did reach an agreement with Vietnam in May, 2005, that addressed religious freedom concerns - a sign that the CPC process may be having a constructive impact. But whatever promises Vietnam may have made, there is not yet evidence that its record has improved to the point that its CPC status can be lifted. Moreover, the text of that agreement has not been publicly released. I urge the State Department to make it public so that Vietnam can be held accountable for implementing the commitments it has reportedly made.

Burma

Mr. Chairman, as I mentioned at the outset, the governments of most countries the State Department has designated as CPCs already have adversarial relationships

with the United States. Being named to this list of religious freedom violators will likely mean nothing to them. But that doesn't mean there is nothing we can do.

Plainly, one of those countries is Burma. Burma deserves to be named a CPC. For over 40 years, the generals who rule Burma have abused their citizens' right to religious freedom. It has used the dominant religion of the state, Theravada Buddhism, as part of its effort to "Burmanize" ethnic minority populations. Burma's Christian, Muslim, and other religious minority populations continue to suffer from state monitoring, harassment, and discrimination.

But Burma is also an equal opportunity abuser. Its government restricts the basic rights and freedoms of all its people. It continues to attack and harass the winner of the 1990 elections, the National League of Democracy, and its leader Aung San Suu Kyi, who remains under house arrest. It continues to commit systematic, widespread, and well-documented abuses in conflicts with ethnic minority rebel groups, including extrajudicial executions, rape, torture, forced relocation of entire villages, and forced labor. As of late 2004, an estimated 650,000 people were internally displaced in eastern Burma alone, and at least 240 villages have been destroyed, relocated or abandoned since 2002. Some 2 million Burmese have moved to Thailand, including 145,000 refugees living in camps.

For these reasons Burma is already, appropriately, subject to economic sanctions by the United States and the European Union. The question now is whether the U.S. can add to its own package of sanctions, but whether it can work with allies in Asia and Europe to mobilize effective pressure for change.

Such an effort is now underway at the U.N. The administration, to its credit, has endorsed a call recently made by former Czech President Vaclav Havel and South African Bishop Desmond Tutu to bring Burma before the U.N. Security Council, where its atrocious human rights record and destabilizing impact on its region can at least be discussed. Ultimately, we would want to see the Council take action on Burma. One possible step would be the appointment of a U.N. Commission of Inquiry to investigate the commission of war crimes and crimes against humanity against Burma's ethnic minority population.

A U.N. Security Council resolution can, of course, be vetoed by any permanent member. But to put an issue on the Council Agenda simply requires nine votes, with no vetoes allowed. Getting Burma on the agenda is clearly an achievable goal, if the administration pushes hard enough at a high enough level. I hope this issue will be high on President Bush's agenda as he travels to Asia this week.

Uzbekistan

Had we been having this discussion a couple of years ago, Mr. Chairman, I would have put Uzbekistan in my first category of countries with poor records but relatively close relations with the United States. Had the State Department named Uzbekistan a CPC then, a designation it richly deserved, it might have had an impact on that country's policies. During those days, when the U.S. military was deeply engaged in Uzbekistan, when U.S. aid was increasing, when U.S. officials were making a bee line to visit Tashkent and when the Uzbek President was visiting the White House, Uzbekistan very much wanted to avoid being named and shamed as a CPC and, if named, might have made significant concessions to get off the list.

Now, though some in the administration may still be in denial about this, Uzbekistan is no longer even pretending to be a friend or ally of the United States. It is certainly no longer pretending to heed American concerns about human rights. Earlier this year, Uzbek security forces massacred - deliberately, in broad daylight -- hundreds of civilians who were peacefully demonstrating for their basic human rights in the city of Andijan. It has since launched a brutal crackdown on democratic dissent, staging show trials reminiscent of Joseph Stalin's Soviet Union, in which tortured defendants confess to their "guilt." When the United States complained about this, the Uzbek government staged hate rallies vilifying the United States, and kicked the U.S. military off its base in southern Uzbekistan. Uzbekistan has utterly defied U.S. demands to allow an international investigation of the Andijan massacre.

This year, once again, the State Department rejected the recommendation of the U.S. Commission on International Religious Freedom to name Uzbekistan a CPC. It's hard to explain this bizarre decision. Uzbekistan clearly merits designation. It follows the old Soviet model of allowing religious activity only if it follows a script written by the state. Uzbek law requires all religious groups to register with the government, and criminalizes all efforts to organize a unregistered religious group or to resume activity in a group once it has been denied registration. This system results in the repression of Muslims as well as various Christian groups, who during this year, had a number of applications for registration that were ignored.

In the last few years, thousands of people have been imprisoned in Uzbekistan as part of a campaign against extremist, but non-violent, Muslims. In fact, many of

those arrested are merely observant Muslims, not members of any extremist organization, who wished to meet with others to pray or study Islam. Those arrested are sentenced them to lengthy jail terms and routinely tortured.

So why did the State Department refuse to name Uzbekistan a CPC? I don't think that the Department is trying to protect a relationship with Uzbekistan that no longer exists. My best guess is that it is worried that if it designated Uzbekistan this year, after never designating it before, people would say that it's just a reaction to getting kicked off the base. Perhaps the State Department recognizes that the only difference between Uzbekistan now and Uzbekistan then is that the relationship with the U.S. isn't as close, and so its previous decisions not to name Uzbekistan would look like they were based on political, not objective, criteria. It seems to me that the State Department has really tied itself in knots over this case.

The decision not to name Uzbekistan undermines the integrity of the CPC process. But in all honesty, I don't think that naming Uzbekistan would have made much difference for the people of that country. As I've suggested, the time when Uzbekistan might have responded to such a step with concessions has come and gone. What's needed now is a much more ambitious, sustained and comprehensive U.S. strategy to change the Uzbek government's calculations. And here, I think the administration is also tied up in knots. Since the Andijan massacre, the State Department has rhetorically condemned Uzbekistan. It has, rightly, insisted on a credible international investigation of those events, even though that insistence risked losing the Pentagon its basing rights in the country. But when it comes right down to it, in the six months since the massacre, the only real action affecting the bilateral relationship was taken not by the United States, but by Uzbekistan, when it did, in fact, kick the U.S. military out. The European Union has imposed sanctions on Uzbekistan; the United States has not. I have no idea what the administration's overall strategy for dealing with this country is. I don't believe that the administration itself has an idea what its strategy is.

At the very least, the administration should join with its European allies in imposing sanctions carefully targeted at Uzbek government officials implicated in the massacre and the crackdown and show trials that followed. Uzbek President Karimov probably can't be dissuaded by the United States from leading his country in a disastrous direction. But those around him should understand that it is not in their personal interest to follow where Karimov leads.

Mr. Chairman, on all these issues, we need the continued oversight and leadership of this Committee and the Congress. There would be no religious freedom report

and no CPC process if not for action by the Congress. There would be little prodding of Saudi Arabia or Vietnam or Uzbekistan or Burma by the administration if there was not prodding of the administration by the Congress. For that, you have our gratitude, and more important, the gratitude of people all around the world who struggle for their human rights.